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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,716	06/01/2001	Brian M. Siegel	SONY-95	1430
26875	7590	01/26/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP			RHODE JR, ROBERT E	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			3625	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,716

Applicant(s)

SIEGEL ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant amendment of 12-29-04 amended claims 1, 10 and 13 - 16 as well as traversed rejections of Claims 1 - 18

Currently, claims 1- 18 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US 6,549,912 B1).

Regarding claim 1, Chen teaches a method of facilitating a transaction between a merchant and a customer with a customer data storage device, the method comprising: electronically storing a customer profile on the customer data storage device (see at least Abstract and Col 4, Lines 29 - 36); as a part of a transaction, physically presenting the customer data storage device at a merchant location (Col 5, lines 40 -

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46); electronically communicating the customer profile from the customer data storage device to the merchant in conjunction with the transaction (see at least Col 5, lines 40 – 46 and Col 6, lines 59 – 60); and electronically storing a record of the transaction on the customer data storage device (see at least Col 9, lines 4 - 27).

Regarding claim 2, Chen teaches a method, wherein the transaction comprises a retail purchase of a product, the method further comprising: electronically communicating data regarding the transaction to a source of the product (Col 6, lines 59 - 60).

Regarding claim 3, Chen teaches a method, wherein electronically communicating data regarding the transaction to the source of the product comprises electronically communicating customer and product identification for product registration (Col 9, lines 4 - 27).

Regarding claim 4, Chen teaches a method, wherein the customer data storage device comprises a card bearing a magnetic recording medium, and wherein electronically storing to the customer data storage device comprises writing digital data to the magnetic storage medium (Abstract).

Regarding claim 5, Chen teaches wherein the customer data storage device comprises a portable electronic device having a memory and communication link, and wherein

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electronically storing to the customer data storage device comprises writing digital data to the memory via a communication link (see at least Col 8, line1)

Regarding claim 6, Chen teaches a method, wherein electronically storing a customer profile further comprises storing at least one of a grouping consisting of a name, a residential address, and an identification number (Col 5, lines 1 – 3).

Regarding claim 7, Chen teaches a method, further comprising: reading the transaction record on the customer data storage device; and reporting the transaction record (Col 9, lines 4 – 24).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,549,912 B1) in view of Burge (US 6,014,638).

Chen substantially discloses and teaches the applicant's invention.

While Chen does disclose wherein the customer storage device includes a plurality of transaction records as well as preferences of the customer, Chen does not specifically disclose and teach analyzing the plurality of transaction records for a pattern of customer preferences; and recommending a future transaction based on the pattern of customer preferences.

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On the other hand and regarding claim 8, Burge teaches a method further comprising: analyzing the plurality of transaction records for a pattern of customer preferences; and recommending a future transaction based on the pattern of customer preferences (see at least Abstract and Col 7, lines 5 – 11).

It would have been obvious to one of ordinary skill in the art to have provided the method of Chen with the method of Burge to have enabled a method for further comprising: analyzing the plurality of transaction records for a pattern of customer preferences; and recommending a future transaction based on the pattern of customer preferences – in order to have recommend potentially useful selection. Chen discloses wherein the customer storage device includes a plurality of transaction records (Abstract). Burge discloses a method further comprising: analyzing the plurality of transaction records for a pattern of customer preferences; and recommending a future transaction based on the pattern of customer preferences (Abstract and Col 7, lines 32 – 37). In that regard, one of ordinary skill in the art would have been motivated to extend the method of Chen with a method further comprising: analyzing the plurality of transaction records for a pattern of customer preferences; and recommending a future transaction based on the pattern of customer preferences. Thereby, the customer is provided with useful recommendations and thereby will increase the probability that they will recommend the method for others.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,549,912 B1) in view of Kolls (US 6,609,103 B1).

Chen discloses and teaches substantially the applicant's invention.

However, the Chen does not specifically disclose the synchronizing of databases with subsequent communications.

On the other hand and regarding claim 9, Kolls does teaches a method, further comprising: remotely maintaining at least a portion of the customer profile and database of transaction records associated with the customer profile on the customer data storage device; and synchronizing the database of transaction records with the customer data storage device in response to subsequent availability of electronic communication between the database and the storage device after an intervening transaction wherein a transaction record was stored on only one of the database and the storage device (see at least Col 3, lines 57 – 60).

It would have been obvious to one of ordinary skill in the art to have provided the method Chen with the method of Kolls to have enabled a method for synchronizing of databases with subsequent communications – in order to ensure the databases have the same data. Chen discloses a method wherein the customer storage device includes a plurality of transaction records (Abstract). Kolls discloses a method for the

synchronizing of databases with subsequent communications (Col 3, lines 57 – 60).
Therefore, one of ordinary skill in the art would have been motivated to extend the method of Chen with a method for the synchronizing of databases with subsequent communications.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 – 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armetta (US 5,864,830) in view of an Obvious variation.

Regarding claim 10, Armetta teaches a method of affecting purchase transactions of a subordinate person with a customer data storage device, the method comprising: providing the subordinate person with physical possession of a customer data storage device (see at least Abstract and Col 6, lines 15 - 18); storing a controlled customer profile on the customer data storage device (see at least Col 2, lines 51 and Col 6, lines 15 - 18); associating a financial credit identifier with the controlled customer profile (see at least Col 5, lines 40 – 45); electronically communicating the transaction limitation from the customer data storage device to the merchant; and preventing authorization of

the purchase transaction based on the transaction limitation (see at least Abstract, Col 2, lines 50 – 53, Col 3, lines 36 – 39 and Col 4, lines 6 – 9).

However, Armetta does not specifically disclose a device.

On the other hand, Armetta does disclose data storage means as well as concept of controlling subordinate persons transaction limits. In that regard, it would have been obvious to one of ordinary skill in the art to have provided the method of Armetta with a device such as a smart card as taught by Chen above and which were old and well known at the time of the applicant's invention. In this regard, the method of Armetta would have additional storage means to incorporate into different storage means such as a smart card and thereby increasing customers choices as well as conveyance.

Thereby, It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Armetta with a device, such as a smart card. Armetta discloses a method of affecting purchase transactions of a subordinate person with a customer data storage device, which includes the steps of providing the subordinate with customer data storage, storing a controlled customer profile, electronically transmitting a transaction limit and presenting authorization of the transaction (Abstract). The obvious variation to one of ordinary skill would have been to provide the method of Armetta with a smart card. Thereby, one of ordinary skill in the

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art would have been motivated to extend the method of Armetta with a device such as smart card.

Regarding claim 11, Armetta teaches a method, further comprising: storing a transaction limitation in the controlled customer profile (Col 5, line 26).

Regarding claim 12, Armetta teaches a method, wherein electronically communicating the transaction limitation from the customer data storage device to the merchant is in response to presenting the financial credit identifier for a purchase transaction (Col 1, line 19).

Regarding claim 17, Armetta teaches a method, further comprising: locking the controlled customer profile on the customer storage device; unlocking the controlled customer profile in response to satisfaction of an access criterion; and modifying the transaction limitation after unlocking the customer profile (see at least Col 5, lines 38 - 50).

Claims 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armetta as applied to claim 10 above, and further in view of Solokl (US 6,173,269 B1).

Armetta substantially disclose and teach the applicant's invention.

However, the Armetta does not specifically disclose and teach a method wherein storing the transaction limitation further comprises specifying an excluded merchant that is not authorized for purchase transactions; wherein storing the transaction limitation further comprises specifying an included merchant that is authorized for purchase transactions wherein storing the transaction limitation further comprises specifying an excluded product that is not authorized for purchase transactions; wherein storing the transaction limitation further comprises specifying an included product that is authorized for purchase transactions.

On the other hand and regarding claim 13 and related claim 15, Solokl teaches a method, wherein the transaction limitation further comprises specifying an excluded merchant that is not authorized for purchase transactions (see at least Col 5, lines 56 – 67).

Regarding claim 14 and related claim 16, Solokl teaches a method, wherein the transaction limitation specifies an included merchant that is authorized for purchase transactions (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Armetta with the method of Solokl to have enabled a method wherein storing the transaction limitation further comprises specifying an

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excluded merchant/product that is not authorized for purchase transactions; wherein storing the transaction limitation further comprises specifying an included merchant/product that is authorized for purchase transactions – in order to control which sites are accessed. Armetta disclose a method of affecting purchase transactions of a subordinate person with a customer data storage device, the method comprising: providing the subordinate person with a physical possession of a customer data storage device; storing a controlled customer profile on the customer data storage device; associating a financial credit identifier with the controlled customer profile; electronically communicating the transaction limitation from the customer data storage device to the merchant; and preventing authorization of the purchase transaction based on the transaction limitation. Solokl discloses a method for wherein storing the transaction limitation further comprises specifying an excluded merchant/product that is not authorized for purchase transactions; wherein storing the transaction limitation further comprises specifying an included merchant/product that is authorized for purchase transactions (Abstract and Col 5, lines 56 – 67). Therefore, one of ordinary skill in the art would have been motivated to extend Armetta with a method wherein storing the transaction limitation further comprises specifying an excluded merchant/product that is not authorized for purchase transactions; wherein storing the transaction limitation further comprises specifying an included merchant/product that is authorized for purchase transactions. In this regard, the method will ensure parents that their children cannot access sites, which were not approved. Thereby, the method will increase customer/parent control of a subordinate persons spending as well as

where the spending takes place, which will increase the probability that they will purchase the method again in the future.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armetta as applied to claim 10 above, and further in view of Chen (US 6,549,912 B1).

Armetta teaches and discloses substantially the applicant's invention.

However, the reference does not specifically disclose and teach a method, wherein the access criterion is an encryption key and locking the controlled customer profile comprises encrypting the controlled customer profile with the encryption key.

On the other hand, Chen teaches a method, wherein the access criterion is an encryption key and locking the controlled customer profile comprises encrypting the controlled customer profile with the encryption key (Col 5, lines 1 – 8).

It would have been obvious to one of ordinary skill in the art to have provided the method of Armetta with the method of Chen to have enabled a method, wherein the access criterion is an encryption key and locking the controlled customer profile comprises encrypting the controlled customer profile with the encryption key. Armetta discloses a method for providing a storage device, storing a customer profile,

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associating a credit identifies and electronically communicating a transaction limitation as well as preventing authorization of the purchase transaction. Chen discloses a method wherein the access criterion is an encryption key and locking the controlled customer profile comprises encrypting the controlled customer profile with the encryption key (Col 5, lines 1 – 5). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Armetta with a method wherein the access criterion is an encryption key and locking the controlled customer profile comprises encrypting the controlled customer profile with the encryption key. In this regard too, the customer will be assured of a high level of security, which will increase their trust in the method.

Response to Arguments

Applicant's arguments with respect to claims 1 - 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

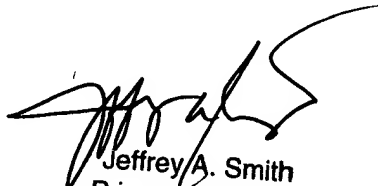
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RER



Jeffrey A. Smith
Primary Examiner